

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SCOTT D. LAWSON and)
STEVEN LAWSON,)
)
Plaintiffs,)
)
v.) **Case No.: 2:07cv356-MHT**
)
SWIFT TRANSPORTATION and)
FREDRICK S. MARTIN, JR.,)
)
Defendants.)

MOTION FOR PARTIAL SUMMARY JUDGMENT

COME NOW the Defendants, **Fredrick S. Martin, Jr.**, and **Swift Transportation Co., Inc.**, and, pursuant to Rules 56 and 54(b) of the Federal Rules of Civil Procedure, move this Honorable Court for an Order granting partial summary judgment in their favor on the Plaintiffs' claims of wantonness. There are no genuine issues of material fact as to the Plaintiffs' wantonness claims, and Defendants are entitled to judgment as a matter of law with respect to these claims. The Defendants do not seek summary judgment on the Plaintiff's negligence claims. This motion is supported by the pleadings, responses to written interrogatories, the videotape of the

responding officer's investigation into the subject accident, transcripts of depositions taken, and the applicable law outlined in the brief filed contemporaneously herewith.

MOVANTS REQUEST ORAL ARGUMENT

s/ Lea Richmond, IV

Lea Richmond, IV (ASB-8479-174r)

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of February, 2008, the foregoing document was electronically filed with the Clerk of this Court using the CM/ECF system which will send notification of such filing to the following:

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